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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,694

01/19/2004

Frank J. Campisi

CT-03-01

8446

7590

09/26/2005

Charles Schweppe, L.C.
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EXAMINER

STEPHENSON, DANIEL P

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/759,694	Applicant(s) CAMPISI, FRANK J.	
	Examiner Daniel P. Stephenson	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "213" has been used to designate both the handle loop and the finger guard. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "213" and "214" have both been used to designate the handle loop. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: the reference numerals "201" and "202" refer to the "first element" and the "second element", respectively, in the specification, however in the drawings reference numerals "201" and "202" refer to the "second element" and the "first element", respectively.

Appropriate correction is required.

Claim Objections

4. Claim 2 is objected to because of the following informalities: the term --the-- should be placed after the term "wherein" in the claim. Appropriate correction is required.

5. Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It does not further limit the claim because the limitation presented is already present in its entirety in claim 1.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Crickmer. Crickmer (Fig. 3 and 5, col. 2 line 59-col. 3 line 17) discloses a handle for a slip. It has a first element attached to the slip. A chain is connected to the first element. There is a

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second element connected to the chain, which is configured as a handle. There is a flexible sleeve encompassing the chain and attached to the first and second elements. The first element is pivotally attached to the slip. The handle (106) has a finger guard, and a thumb guard. The flexible sleeve is composed of polyurethane. The slip is disclosed in a rotary table and is appropriate for drill pipe, casing, drill collars and conductor pipe.

8. Claims 1-4 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark '802. Clark '802 (Fig. 2) discloses a handle for a slip. It has a first element attached to the slip. A chain (50) is connected to the first element (23). There is a second element (22) connected to the chain, which is configured as a handle. There is a flexible sleeve (52) encompassing the chain and attached to the first and second elements. The first element is pivotally attached to the slip. The slip disclosed is appropriate for use in a rotary table on drill pipe, casing, drill collars and conductor pipe.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crickmer in view of the pre-grant publication '954 to Gajewski. Crickmer shows all the limitations of the claimed invention, except, it does not disclose that the polyurethane sleeve has a durometer value of 90A-50D. Gajewski (Table 1) discloses a polyurethane covering which has a durometer value of 90A. It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to use the covering of Gajewski with the apparatus of Crickmer. This would be done because as disclosed by Gajewski (paragraph 4) this type of covering is used where solvent resistance and good flex fatigue resistance is needed.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crickmer.

Crickmer shows all the limitations of the claimed invention, except, it does not explicitly state that the chain has four links. It is Officially Noticed that it would have been an obvious matter of design choice to use four links, since the applicant has not disclosed that having four links solves any stated problem is for any particular purpose and it appears that the invention would perform equally well with any plurality of links. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use four links in the apparatus of Crickmer. This would be done to suit the particular needs of the operators and design.

12. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crickmer or Clark '802. Crickmer or Clark '802 shows all the limitations of the claimed invention, except, it does not disclose that the chain links are $3/16^{\text{th}}$ of an inch, zinc plated and have 700 lb. strength. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use links that are $3/16^{\text{th}}$ of an inch, zinc plated and have 700 lb. strength, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGarry, Clark '773 and the pre-grant publication '611 to Ramey et al. all show similar elements to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS 